

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

PAMELA J. HOLSWORTH,

Plaintiff,

v.

JO ANNE B. BARNHART,
COMMISSIONER of SOCIAL
SECURITY,

Defendant.

No. CV05-1394-MO

OPINION and ORDER

MOSMAN, J.,

Based on the agreement of the parties, the court GRANTS the stipulated motion (#16) that the above-captioned case be remanded for further administrative proceedings. On remand, the administrative law judge ("ALJ") will evaluate the claimant's disability pursuant to the sequential evaluation process and specifically: (1) reassess Plaintiff's credibility pursuant to SSR 96-7p and 20 C.F.R. 404.1529 and 416.929 and state which facts the ALJ relies on to either believe or disbelieve Plaintiff's subjective complaints; and (2) evaluate Plaintiff's obesity in accordance with SSR 02-1p.

This court hereby reverses the Commissioner’s decision under sentence four of 42 U.S.C. § 405(g) with a remand of the cause to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Harman v. Apfel*, 211 F.3d 1172, 1176, n.5 (9th Cir. 2000). In addition, based on the stipulation of the parties, plaintiff will be entitled to reasonable attorney fees and costs pursuant to 28 U.S.C. § 2412(d) upon proper request to this court.

IT IS SO ORDERED.

DATED this 2 day of June, 2006.

/s/Michael W Mosman
MICHAEL W. MOSMAN
United States District Court